

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

ARGENIS BATALDO-CASTILLO,

Defendant(s).

CRIMINAL NO. 10-253 (GAG)

ORDER

Defendant Bataldo-Castillo's Motion to Compel Discovery and Filing of Designation of Evidence (Docket No. 72) is granted in part and denied in part as follows. The United States' Response (Docket No. 87) is duly noted.

Item:

1(a)- see government's response at ¶ 1.

1(b)- denied under Rule 16. If said evidence constitutes Brady/Giglio/Kyles material, the government, however, must provide the same, or if in doubt submit the same ex parte to the court for in camera inspection.

1(c)- see government's response at ¶ 3. The government at the next pretrial conference shall certify the existence or non-existence of such evidence, after consulting with the Coast Guard. Said certification shall bind the

government throughout this case, and if in error, may preclude use of said evidence by the prosecution.

1(d)- see government's response at ¶ 4. Same ruling as to previous item.

1(e)- see government's response at ¶ 5.

1(f)- denied under Rule 16. However, if it constitutes Brady/Giglio/Kyles material, same ruling as to item 1(b).

1(g)- granted. The inspection shall be scheduled on or before August 30, 2011.

1(h) and 1(i)- the government shall corroborate with Coast Guard. Same ruling as to item 1(c).

2- granted. At the next conference, the court will set a deadline for designation of evidence.

SO ORDERED.

In San Juan, Puerto Rico this 25th day of August, 2011.

s/ Gustavo A. Gelpí
GUSTAVO A. GELPI
United States District Judge